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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed August 29, 2005. In the Office Action, the Examiner notes that claims 1-12 and 14-56 are pending and rejected. By this response, Applicants have cancelled claims 5 and 55 and amended claims 1, 8 and 53.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **OBJECTIONS**

The Examiner has objected to claim 1 stating that "establishing a secure tunnel between the service provider" should be ~~a~~ service provider. Applicants have amended the claim as suggested by the Examiner. Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

### **REJECTIONS**

#### **35 U.S.C. §103**

##### **Claims 1-12 and 14-56**

The Examiner has rejected claims 1-12 and 14-56 as being obvious and unpatentable under the provisions of 35 U.S.C. §103(a). In particular, the Examiner has rejected claims 1-56 as being unpatentable over U.S. Patent 6,128,601 to Van Horne et al. (hereinafter "Van Horne") in view of U.S. Patent Publication US2002/0019875 to Garrett et al. (hereinafter "Garrett") and in view of U.S. Patent 6,023,499 to Mansey et

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al. (hereinafter "Mansey"). Applicants respectfully traverse the rejection. The Examiner is respectfully directed to Applicants' previous discussions of the cited references.

Applicants respectfully note that the Mansey arrangement is directed to a system entirely different from that contemplated by the subject invention and also the cited references.

In essence, the Mansey arrangement is directed to monitoring conference call billing services for multiple participants within the context of the public switched telephone network (PSTN). Within this environment, each of the multiple participants in the conference call is subjected to a per-minute charge. The per-minute charges of each conference call leg are accrued to produce a cumulative charge for the entire conference call. A cessation of the telephone call may be triggered if the cumulative charge exceeds an established call limit (column 5, lines 36 through column 6, line 4).

Thus, the Mansey arrangement provides simple telephone access to a plurality of conference call participants. Pre-existing billing conditions are used to enable conference telephone calls between multiple participants, which telephone calls are defined for billing purposes according to the standard telephone billing model (i.e., per minute usage charges).

This Mansey arrangement is quite different from the subject invention. More importantly, even if construed as being operably combinable with the other references, the Mansey arrangement does not supply the teaching contended by the Examiner.

Specifically, the Van Home, Garrett and Mansey arrangements, either singly or in any allowable combination, fail to disclose or suggest at least the step of (per claims 1 and 53):

"constraining client device usage according to said negotiated network usage terms, said client device usage being measured as two or more of an amount of data received, an amount of data transmitted and an elapsed time."

In contrast to the above-quoted claim language, the Mansey arrangement utilizes pre-negotiated or pre-existing billing conditions to enable conference call participant access to the PSTN. In addition, the Mansey arrangement is directed to providing simple PSTN access to multiple participants, rather than Internet access to one client. In addition, the invention constrains client device usage according to an amount of data

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received and/or transmitted, while the Mansey arrangement utilizes the standard telephone voice billing model (per minute usage charges). Finally, the Mansey arrangement directly couples participants to the PSTN, rather than through an intermediary local access network (as claimed herein).

Applicants respectfully note that the claimed Internet access method contemplates an Internet service provider accessible via a local area network by clients having no previous relationship with the provider (i.e., no pre-existing billing conditions) wherein a secure tunnel is established after a negotiation in access terms, and wherein the negotiated access terms are used to constrain a client device. This is different than contemplated by the Van Horne, Garrett and Mansey arrangements, either singly or in any combination.

Therefore, Van Horne, Garrett and Mansey singly and in combination fail to teach or suggest Applicants' invention as claimed in independent claims 1 and 53. Furthermore, claims 2-12, 14-52 and 54-56 depend directly or indirectly from independent claims 1 and 53 and recite additional features thereof. As such and for at least the same reasons as discussed above, Applicants submit that these dependent claims are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully submit that the Examiner's rejection of claims 1-2 and 14-56 should be withdrawn.

#### **THE SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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**CONCLUSION**

Thus, Applicants submit that all of the claims presently in the application are non-obvious and patentable under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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E J Wall  
Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808